

REMARKS

Status of the Claims

- Claims 1-24 are pending in the Application after entry of this amendment.
- Claims 1-24 are rejected by Examiner.
- Claims 1, 5, 10, 15, 17, 22, and 23 are amended by Applicant.

Prior Rejection under 35 U.S.C. §103

Applicant thanks the Examiner for notification in the present Office Action dated 1/25/07 that the prior 35 U.S.C. §103 rejection is withdrawn.

Claim Rejections Pursuant to 35 U.S.C. §101

Claims 1-24 stand rejected pursuant to 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Specifically, the present Office Action, page 2, states that the claims are non-statutory because they are lacking a real world useful result.

Applicant amends independent Claims 1, 5, 10, 15, 17, 22 and 23 to recite the useful, concrete, and tangible result of displaying, on a computer monitor, the results of a class search. Applicant finds support for this amendment in the as-filed specification. For example, page 13 of the present specification describes Figures 6, 7 and 8 which depict a user input and the class search results obtained using aspects of the invention. In addition, Figure 1 represents a typical computing environment, including a display monitor, for practicing aspects of the invention.

Claims 15-24 are challenged in the present Office Action as being “software per se”. Claims 15 and 17 are amended to address aspects of a computer implemented class path manager that is useful to return classes and directories for display on a monitor in response to class requests. Applicant respectfully submits that independent Claims 15 and 17 are directed towards a useful and functional item that produces tangible results. Applicant respectfully submits that amended independent Claims 15 and 17 recite patentable subject matter that is supported in the specification via Figures 4-8 and the supporting text.

Independent Claim 22 is directed towards a computer system. The computer system has both hardware and software elements and performs the useful, concrete, and tangible task of receiving a class request and displaying results on a computer monitor. Applicant respectfully submits that amended Claim 22 recites patentable subject matter because a computer system having hardware and software elements and which produces a tangible result may be regarded as a useful machine under 35 U.S.C. §101.

Independent Claim 23 is directed to “computer readable medium having instructions” as described in the specification on page 6 and as depicted in Figure 1. The computer readable instructions, when executed, cause a computer to perform a method described by Claim 23. Applicant respectfully submits that Claim 23 is statutory subject matter under 35 U.S.C. §101 because computer readable media are useful articles of manufacture. A useful manufacture is a distinct statutory class in 35 U.S.C. §101. Moreover, the computer instructions of Claim 23, when executed, exhibit the useful, concrete, and tangible result of displaying the results of a class search. Applicant respectfully submits that amended independent Claim 23 recites statutory subject matter.

Applicant respectfully requests withdrawal of the 35 U.S.C. §101 rejection of all pending claims because the amendments provide a useful, concrete, and tangible results.

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PATENT

Conclusion

Applicant respectfully requests withdrawal of the 35 U.S.C. §101 rejections and also requests reconsideration of the pending claims in light of the amendments and remarks presented above. A Notice of Allowance for all pending claims is earnestly solicited because the pending claims patentably define over the cited art.

Respectfully Submitted,

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